

DOCKET NUMBER: 194070US0PCT pmh



DT17 Rec'd PCT/PTO

15 NOV 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
Christian MEIER, et al.

: GROUP: 1714

SERIAL NUMBER: 09 600,180

: ATTENTION:
Application Division
Customer Corrections

FILED: DECEMBER 21, 2000

FOR: DEVICE FOR PRODUCING POLYMER SUPPORT MATERIALS IN THE FORM OF
POROUS POLYMER BEADS

SECOND REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1800 2900


Sir:

It is respectfully requested that the filing date of the above-identified application be corrected to DEC 21 00. To substantiate the correct filing date of DEC 21 00, we attach a copy of the date-stamped filing receipt card. The filing receipt card has been stamped by the Patent Office when the application was presented at the Patent Office filing window in person by the Patent Office runner of this firm. Also, enclosed a copy of Decision on Request Under 37 CFR 1.497(d).

The Patent Office is requested to provide a corrected Official Filing Receipt indicating the correct filing date and any other requested corrections. No fees are required.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Norman F. Oblon
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22850

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 2023
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/600,180	12/21/2001	1714	970	194070US0PCT		10	1

22850
OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

CONFIRMATION NO. 8287

CORRECTED FILING RECEIPT



OC000000007618893

Date Mailed: 03/12/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Christian Meier, Darmstadt, GERMANY;
Thomas Sufke, Erzhausen, GERMANY;
Hans-Ulrich Petereit, Darmstadt, GERMANY;
Roger Recktenwald, Bensheim, GERMANY;
Thomas Boller, Darmstadt, GERMANY;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/EP99/00635 02/01/1999

Foreign Applications

GERMANY 198 04 518.2 02/05/1998

If Required, Foreign Filing License Granted 03/11/2002

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

Non-Publication Request: No

Early Publication Request: No

Title

Device for producing polymer support materials in the form of porous polymer beads

Preliminary Class

524

PLEASE NOTE THAT THE FILING DATE IS INCORRECT. IT SHOULD READ AS FOLLOWS:

FILING DATE: 12/21/00

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MAR 15 2002

OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT PC

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JAN 13 2002

TECH CENTER 1600 2900

OSMM&N No. 194070US0-PCT

Dept.: CHEMICAL

By: WEB PAE

Serial No. 09/600,180

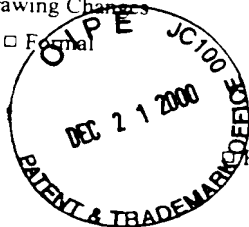
In the matter of the Application of: CHRISTIAN MEIER ET AL

For: APPARATUS FOR SYNTHESIS OF SUPPORT POLYMER MATERIALS
IN THE FORM OF POROUS POLYMER BEADS

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ pp. Specification & Claims/Drawings Sheets
- ☒ Combined Declaration, Petition & Power of Attorney pages
- ☐ List of Inventor Names and Addresses
- ☐ Utility Patent Application ☐ CPA
- ☐ Notice of Priority ☐ Priority Doc
- ☒ Check for **\$1,060.00** ☒ Dep. Acct. Order Form
- ☐ Fee Transmittal Form
- ☒ Assignment/PTO 1595 pages: **3 PGS (FEE)**
- ☒ CONSENT FOR ASSIGNEE TO CHANGE OF INVENTORSHIP
- ☐ Letter Requesting Approval of Drawing Changes
- ☐ Drawings sheets ☐ Formal
- ☐ Letter
- ☐ Amendment
- ☐ Information Disclosure Statement
- ☐ Cited References
- ☐ Search Report
- ☐ Statement of Relevancy ☐ Cited Pending Applications
- ☐ IDS/Related/List of Related Cases ☐ Election Response
- ☐ Restriction Response
- ☐ Rule 132 Declaration
- ☒ Petition for Extension of Time **3 MONTHS (FEE)**
- ☐ Notice of Appeal
- ☐ Brief
- ☐ Issue Fee Transmittal
- ☒ NOTIFICATION OF MISSING REQUIREMENTS
- ☒ REQUEST FOR CHANGE OF INVENTORSHIP UNDER 37 CFR 1.48(a) (FEE)
- ☒ REQUEST FOR CHANGE OF INVENTORSHIP
- ☐

Due Date: DEC. 22, 2000



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DEC 11 2001

Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
Fourth Floor
1755 Jefferson Davis Highway
Arlington, VA 22202

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DEC 17 2001

OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.

RECEIVED

JAN 11 2001

In re Application of MEIER et al
U.S. Application No.: 09/600,180
Int. Application No.: PCT/EP99/00635
Int. Filing Date: 01 February 1999
Priority Date: 05 February 1998

Attorney Docket No.: 194070US0 PCT
For: DEVICE FOR PRODUCING POLYMER
SUPPORT MATERIALS IN THE FORM OF
POROUS POLYMER BEADS

TECH CENTER 1600 2900

DECISION ON REQUEST

UNDER 37 CFR 1.497(d)

This is in response to applicant's "Request for Reconsideration of Decision on Request Under 37 CFR 1.497(d)" filed 27 November 2001.

BACKGROUND

On 01 February 1999, applicants filed international application PCT/EP99/00635, which claimed priority of an earlier Germany application filed 05 February 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 12 August 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 28 August 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 05 August 2000.

On 04 August 2000, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 August 2000, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 21 December 2000, applicants filed a request under 37 CFR 1.497(d) accompanied by an executed declaration and an assignment document. The declaration is executed by the inventors identified in the international application as well as one additional inventor, i.e. Thomas Boller.

On 05 March 2001, this Office mailed a decision dismissing the 21 December 2000 request on grounds that written consent of the assignee had not been provided.

On 30 March 2001, applicants filed a renewed request.

On 03 August 2001, this Office mailed a decision dismissing the 30 March 2001 renewed request on grounds that written consent of the assignee had not been established.

On 27 November 2001, applicants filed the present renewed request. A fee of \$400.00 for a two month extension of time will be charged to Deposit Account No. 15-0030 as authorized in the renewed request.

DISCUSSION

37 CFR 1.497(d) (effective 07 November 2000) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicants have previously satisfied items (1) and (2) above.

With regard to item (3) above, ownership of the application must be established when an assignee consents to a correction of inventorship. MPEP 324. Applicants have previously established a chain of title from the inventors to the assignee.

37 CFR 3.73(b) further provides that a submission establishing ownership must be signed by a party authorized to act on behalf of the assignee. MPEP 324 states,

The submission under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following manner if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.):

(A) The submission may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. Modifications of these basic titles are acceptable, such as vice-president for sales, executive vice-president, assistant treasurer, vice-chairman of the board of directors. A person

having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to have authority to sign the submission on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the submission on behalf of the assignee.

(B) The submission may be signed by any person, if the submission sets forth that the person signing is empowered to sign the submission on behalf of the assignee.

(C) The submission may be signed by a person empowered by an organizational resolution (e.g., corporate resolution, partnership resolution) to sign the submission on behalf of the assignee, if a copy of the resolution is, or was previously, submitted in the record.

Where a submission does not comply with (A), (B), or (C) above, evidence of the person's authority to sign will be required.

In the present case, item (B) applies. The "Consent for Assignee to Change of Inventorship" filed with the present renewed request states that the persons signing are empowered to sign the submission on behalf of the assignee.

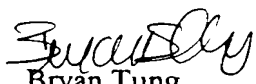
Therefore, having established ownership of the application, the assignee has provided written consent to the change of inventorship.

CONCLUSION

For the reasons above, the renewed request under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date of 01 February 1999 and a date under 35 U.S.C. 371 of 21 December 2000.

The application will be forwarded to the DO/EO/US for processing in accordance with this decision.


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